

1 6257 AMS ROAC S4910.1

2 **SB 6257** - S AMD - 673

3 By Senators Roach and Fairley

4 ADOPTED 2/13/98

5 On page 2, line 3, after "concentration of" strike "0.02 or more"
6 and insert "~~((0.02 or more))~~ in violation of RCW 46.61.503"

7 On page 2, line 23, after "over, or" strike "0.02 or more" and
8 insert "~~((0.02 or more))~~ in violation of RCW 46.61.503"

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11 ADOPTED 2/13/98

12 On page 3, at the beginning of line 13, strike "0.02 or more" and
13 insert "~~((0.02 or more))~~ in violation of RCW 46.61.503"

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16 ADOPTED 2/13/98

17 On page 4, line 6, after "concentration of" strike "0.02 or more"
18 and insert "~~((0.02 or more))~~ in violation of RCW 46.61.503"

19 On page 4, at the beginning of line 12, strike "0.02 or more" and
20 insert "~~((0.02 or more))~~ in violation of RCW 46.61.503"

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24 On page 5, line 12, after "concentration of" strike "0.02 or more"
25 and insert "~~((0.02 or more))~~ in violation of RCW 46.61.503"

26 On page 5, line 24, after "or was" strike "0.02 or more" and insert
27 "~~((0.02 or more))~~ in violation of RCW 46.61.503"

1 On page 5, line 33, after "concentration of" strike "0.02 or more"
2 and insert "~~((0.02 or more))~~ in violation of RCW 46.61.503"

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6 On page 8, beginning on line 21, after "blood was" strike "0.02 or
7 more" and insert "~~((0.02 or more))~~ in violation of RCW 46.61.503"

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11 On page 9, after line 25, insert the following:

12 "**Sec. 4.** RCW 46.61.503 and 1995 c 332 s 2 are each amended to read
13 as follows:

14 (1) Notwithstanding any other provision of this title, a person is
15 guilty of driving a motor vehicle after consuming alcohol if the person
16 operates a motor vehicle within this state and the person:

17 (a) Is under the age of twenty-one;

18 (b) Has, within two hours after operating the motor vehicle, an
19 alcohol concentration of ~~((0.02 or more))~~ at least 0.02 but less than
20 the concentration specified in RCW 46.61.502, as shown by analysis of
21 the person's breath or blood made under RCW 46.61.506.

22 (2) It is an affirmative defense to a violation of subsection (1)
23 of this section which the defendant must prove by a preponderance of
24 the evidence that the defendant consumed a sufficient quantity of
25 alcohol after the time of driving and before the administration of an
26 analysis of the person's breath or blood to cause the defendant's
27 alcohol concentration to be ~~((0.02 or more))~~ in violation of subsection
28 (1) of this section within two hours after driving. The court shall
29 not admit evidence of this defense unless the defendant notifies the
30 prosecution prior to the earlier of: (a) Seven days prior to trial; or
31 (b) the omnibus or pretrial hearing in the case of the defendant's
32 intent to assert the affirmative defense.

33 (3) Analyses of blood or breath samples obtained more than two
34 hours after the alleged driving may be used as evidence that within two

1 hours of the alleged driving, a person had an alcohol concentration
2 ((~~of 0.02 or more~~)) in violation of subsection (1) of this section.
3 (4) A violation of this section is a misdemeanor."

4 Renumber the remaining sections consecutively and correct internal
5 references accordingly.

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10 On page 1, line 2 of the title, after "46.61.502," insert
11 "46.61.503,"

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